

EPA and Army Propose New “Waters of the United States” (WOTUS) Definition

In December 2018, EPA and the Department of the Army (Army) took a significant and historic action to provide certainty to farmers, ranchers, and co-regulators across the country by proposing a revised definition for “waters of the United States.” The newly proposed clear, and common-sense approach to identifying waters that are subject to federal regulation reflects the pre-proposal input the agencies solicited from a wide range of stakeholders. This action serves as the second step in a two-step process to review and revise the definition of “waters of the United States” consistent with the February 2017 Presidential Executive Order. EPA looks forward to finalizing this action in 2019.



Acting Administrator Wheeler and R.D. James, Assistant Secretary of the Army for Civil Works sign the WOTUS proposed definition at EPA Headquarters

Providing Safe Drinking Water

Addressing Per and Polyfluoroalkyl Substances (PFAS)

In May 2018, EPA convened a two-day National Leadership Summit on PFAS in Washington, D.C. that brought together more than 200 stakeholders from across the country to discuss steps to address PFAS. Following the Summit, the agency hosted a series of visits during the summer of 2018 in communities directly impacted by PFAS, to better understand ways the Agency can best support the work being done at the state, local, and tribal levels. EPA interacted with more than 1,000 people during events held in New Hampshire, Pennsylvania, Colorado, North Carolina, and Kansas as well as through a roundtable held in Michigan and events with tribal representatives. Using information from the National Leadership Summit, community engagements, and public input provided by the docket, EPA plans to release a PFAS Management Plan in 2019.



Stakeholder engagement during the two-day PFAS Summit held at EPA Headquarters



*Community engagement event in Fayetteville, NC
source: Congressman Richard Hudson*

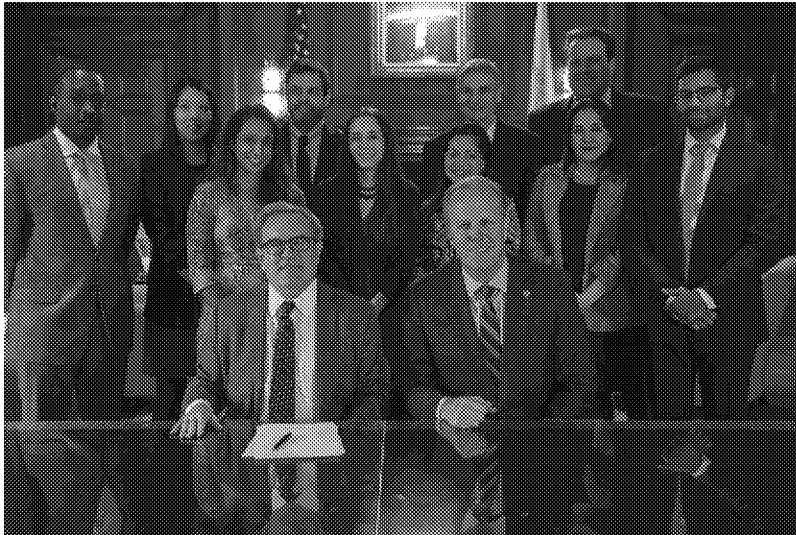
As part of the agency's efforts to develop a PFAS Management Plan, in late 2018, EPA released draft toxicity assessments for GenX chemicals and perfluorobutane sulfonic acid (PFBS) for public input. When finalized, these toxicity assessments may be used by federal partners, states, tribes, and local communities to better understand the potential risk associated with human exposures to these PFAS chemicals.

Rebuilding America's Water Infrastructure

WIFIA

According to EPA's estimate of national drinking water and wastewater needs, over \$743 billion is needed for water infrastructure improvements. EPA's Water Infrastructure Finance and Innovation Act (WIFIA) program plays an important part in fulfilling this need and the [[HYPERLINK "https://usenvironmentalprotectionagency.cmail20.com/t/d-l-nyhuln-alydlulij-j/"](https://usenvironmentalprotectionagency.cmail20.com/t/d-l-nyhuln-alydlulij-j/)]. EPA's WIFIA federal loan and guarantee program aims to accelerate investment in the nation's water infrastructure by providing long-term, low-cost supplemental credit assistance for regionally and nationally significant projects. By the end of 2018, EPA closed seven WIFIA loans totaling nearly \$2 billion in loans to help finance over \$4 billion for water infrastructure projects and create up to 6,000 jobs. Because the WIFIA program offers loans with low interest rates, these WIFIA loans can save borrowers up to \$705 million.

In November 2018, EPA invited 39 additional projects in 16 states and Washington, D.C. to apply for a WIFIA loan. Together, the selected borrowers will receive WIFIA loans totaling approximately \$5 billion to help finance over \$10 billion in water infrastructure investments and create up to 155,000 jobs.



Acting Administrator Wheeler with San Diego Mayor Kevin Faulconer accepting a \$614 million WIFIA loan for the first phase of Pure Water San Diego

State Revolving Funds

In FY 2018 (July 1, 2017 – June 30, 2018), the Drinking Water State Revolving Fund (DWSRF) committed \$2.8 billion in drinking water infrastructure loans and refinancing and disbursed \$2.5 billion for drinking water infrastructure to improve our nation's public health. In addition, the DWSRF committed \$194 million for prevention-focused activities supporting drinking water systems' technical, managerial, and financial capacity, as well as operator certification and source water protection.

Modernizing the Clean Water Act Permitting Process

Section 404 of the Clean Water Act (CWA) authorizes the permitting of discharges of dredged or fill material into "waters of the United States" and section 401 of the CWA authorizes states to certify that permits and licenses issued by the federal government will not violate local water quality standards. CWA section 404 dredge and fill permits support important infrastructure projects like highways, airports, dams, levees, mines, and housing developments and are primarily issued by Department of the Army (Army). Working cooperatively with state and tribal co-regulators, the regulated community, and other stakeholders, EPA took multiple actions in 2018 to streamline the CWA section 404 permitting process, including:

- initiating a rulemaking to update the section 404(g) regulations to foster interest in state and tribal assumption of section 404 permitting authority. To date, only Michigan and New Jersey have assumed administration of the section 404 program—the Army retains permitting authority for the rest of the country;
- evaluating updates to the regulations governing EPA's role in the section 404 (c) permitting process to increase predictability and provide regulatory certainty for all stakeholders;
- announcing the consideration of opportunities to enhance effective implementation of the section 401 certification process, including updating the section 401 regulations, developing guidance, or training; and,

WATER: Provide for Clean and Safe Water

- proposing a rule with Army to achieve greater efficiencies in the current review and approval process for proposed compensatory mitigation banks and in-lieu fee programs related to section 404 permits.